

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06CR31**

UNITED STATES OF AMERICA

Vs.

MARK CHRISTOPHER WATKINS.

)
)
)
)
)
)

ORDER

THIS CAUSE coming on to be heard and being heard before the undersigned on July 5, 2006, pursuant to a Memorandum filed by the Angela L. Pickett, United States Probation Officer, requesting that a bond hearing be scheduled for the defendant and further, pursuant to a motion filed by the defendant on June 28, 2006 entitled, "Motion for Unsecured Bond". At the call of this matter on for hearing, it appeared that the defendant was present with counsel and that the Government was present through Assistant United States Attorney Donald Gast and from the evidence offered the court makes the following findings:

Findings. The undersigned has considered and reviewed the United States Probation Office's Pretrial Services Report and the Order of Detention Pending Trial entered in this matter by the undersigned on May 4, 2006. The undersigned has further considered the recommendation of Angela L. Pickett, United States Probation Officer, contained in a Memorandum filed on June 23, 2006. In that Memorandum, it was the recommendation that based upon the successful completion by the defendant of the Jail Based Inpatient Treatment Program that the defendant be released on terms and conditions of pretrial release. The undersigned has further reviewed the factors as set forth under 18 U.S.C. § 3142(g) and finds

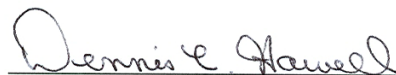
that based upon a reconsideration of those factors that the court cannot find, by a preponderance of the evidence, that the defendant is a risk of flight nor has there been presented by clear and convincing evidence that there is now a danger to any other person or the community that would be posed by the defendant's release. As stated above, the defendant has completed the Jail Based Inpatient Treatment Program and it is the recommendation of the probation office that the defendant be released on terms and conditions of pretrial release.

IT IS, THEREFORE, **ORDERED:**

1. That the motion of the defendant entitled, "Motion for Unsecured Bond" is hereby allowed and that the defendant be released on terms and conditions of pretrial release.

2. Upon the oral entry of the order of the court, the Government gave notice of appeal and this court stayed the entry of the order setting terms and conditions of pretrial release for the defendant. Later, the Government advised the court orally that the Government did not wish to appeal this matter and therefore the order setting terms and conditions of pretrial release and allowing the defendant to be released on bond was entered in writing by the undersigned.

Signed: July 14, 2006

_____

Dennis L. Howell
United States Magistrate Judge

